IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 2ND MAY 2007 / 12TH VAISAKHA 1929

WP(C).No. 14150 of 2007(H)

PETITIONER:

M/S. MICHELLE OPTICAL INDUSTRIES,
(FIRM REP. BY ITS PARTNER B.VINOD PONNAN),
INDUSTRIAL ESTATE, PAPPANAMCODE,
THIRUVANANTHAPURAM.

BY ADV. SRI. ANIL SIVARAMAN

RESPONDENTS:

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1. **THE REGIONAL PROVIDENT FUND COMMISSIONER, EMPLOYEES' PROVIDENT FUND ORGANISATION, BHAVISHYANIDHI BHAVAN, P.B. NO. 1016, P.O. PATTOM PALACE, THIRUVANANTHAPURAM-695 004.**

2. **THE ASSISTANT PROVIDENT FUND COMMISSIONER, (ENFORCEMENT & DAMAGES), EMPLOYEES' PROVIDENT FUND ORGANISATION, -DO- -DO-**

3. **THE RECOVERY OFFICER, (KERALA, LAKSHADWEEP & MAHE), EMPLOYEES' PROVIDENT FUND ORGANISATION, -DO- -DO-**

BY SMT. T.N. GIRIJA, SC FOR PF.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R. RAMACHANDRAN NAIR, J.

W.P. (C) NO. 14150 OF 2007

Dated this the 2nd day of May, 2007.

J U D G M E N T

The petitioner-establishment is covered under the Employee's Provident Fund Act and Miscellaneous Provisions Act, 1952. The steps taken by the third respondent-Recovery Officer to recover the amounts imposed by way of damages under Section 14B of the Act is challenged in this writ petition.

2. According to the petitioner, Exhibit P3 demand notice was received proposing to levy the interest under Section 7Q of the Act. It appears that the petitioner had submitted objection to the same. Thereafter, he was issued Exhibit P4 and other notices. Finally by Exhibit P5, he was intimated to pay certain amount of interest under Section 7Q of the Act. He again submitted objections, which is produced as Exhibit P6 and later on the petitioner received Exhibit P7 issued by the third respondent. It is submitted by the petitioner that he has raised his objections before the first respondent in the matter, which is evidenced by Exhibit P8 minutes. By Exhibit P9, the petitioner has objected to the demand for interest and damages which is said to be pending. Presently, petitioner is aggrieved by Exhibit P10 prohibitory order issued by the third respondent.

Since Exhibit P9 is pending before the first respondent, there will be a direction to the first respondent to consider and pass orders on Exhibit P9, in accordance with law within a period of two months from the date of receipt of a copy of this judgment. Pending the same, further action on Exhibit P10 shall be kept in abeyance.

This writ petition is disposed of as above.

T.R. RAMACHANDRAN NAIR
JUDGE

smp